

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Civil Action No. 04-CV-11948

SEYED MOHSEN HOSSEINI-SEDEHY,

Plaintiff

v.

ERIN T. WITHINGTON
and CITY OF BOSTON

Defendants

**DEFENDANT ERIN T WITHINGTON'S ASSENTED TO MOTION TO CONTINUE
OCTOBER 23, 2006 TRIAL DATE**

Now comes the Defendant, Erin T. Withington, with the assent of the Plaintiff, Seyed Hosseini-Sedehy, and moves this Honorable Court for a continuance of the trial of this matter scheduled for Monday, October 23, 2006 and proposes the month of February 2007 for a possible trial date, the earliest available trial date for all the parties. As grounds for this motion, the Defendant, Erin T. Withington, states the following:

1. Counsel for the Defendant is currently scheduled for three trials in federal district court for three consecutive weeks, beginning October 23, 2006, and ending the week of November 6, 2006.
2. Trial in this matter is scheduled for Monday, October 23, 2006 and is expected to last several days through possibly the end of that week.
3. The October 23, 2006 trial date was the last in time of the three trial dates scheduled.
2. Prior to this Court's scheduling of the trial date of October 23, 2006, counsel for the Defendant, Helen G. Litsas, was scheduled for trial in another matter for the following week of Monday, October 30, 2006 before the Honorable Mark Wolf in the case of *Marlow Williams v. City of Boston et al.*, U.S.D.C. (Mass.), Civil Action No. 04-12346 MLW.
3. That case has not now resolved and remains scheduled for trial for the week of October 30, 2006. Counsel does not anticipate that any settlement will dispose of this matter.
4. Additionally, also prior to this Court's scheduling of the trial date of October 23, 2006, counsel for the Defendant was scheduled for trial the week

following October 30, 2006, on November 6, 2006, in the case of *Ivan Santiago v. William J. Feeney, Marcus Eddings and the City of Boston* Docket No. 04 cv 10746 JLT.

5. That case also has not resolved and trial remains scheduled for the week of November 6, 2006. Counsel does not anticipate that settlement will dispose of this matter.
6. Counsel for the Defendant respectfully requests a continuance of the October 23, 2006 trial date because the current trial date presents significant and critical scheduling conflicts with respect to trial preparation in the above-captioned matter as well as with respect to the October 30, 2006 and November 6, 2006 trials.
7. The current trial date of October 23, 2006 will also significantly impact trial preparation and prejudice her defense for the October 30, 2006 trial.
8. As additional grounds for the continuance, the Parties have also discussed the possibility of mediation and are exploring the viability of that option with their respective clients.
9. A continuance of the October 23, 2006 will also provide the Parties with additional time to explore this avenue of resolution.
10. Allowing this motion will not prejudice any party to the action, as Plaintiff has assented to this motion.
11. The Parties do not anticipate any other continuances to be necessary.
12. The Parties have conferred with respect to their schedules and the earliest possible time for rescheduling for all of the Parties is the month of February 2007. During that month, all Parties are available for trial.

WHEREFORE, for the foregoing reasons, the Defendant, with the assent of the Plaintiff, respectfully requests that this Honorable Court continue the trial that is currently scheduled in the above-captioned matter for Monday, October 23, 2006.

Respectfully submitted,

ASSENTED TO:

PLAINTIFF,
SEYED MOHSEN HOSSEINI-SEDEHY

DEFENDANT,
ERIN T. WITHINGTON
William F. Sinnott
Corporation Counsel

By hiS attorney:

By its attorney:

/s/

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/s/ Helen G. Litsas

Helen G. Litsas BBO#644848
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CERTIFICATE OF SERVICE

I, Helen G. Litsas, hereby certify that on this date I served a copy of the foregoing documents upon: the plaintiff by filing electronically.

<u>9/14/06</u>	<u>/s/ Helen G. Litsas</u>
Date	Helen G. Litsas